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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,795	12/21/2001	Akira Kondou	040679-1420	3810

22428 7590 06/06/2003

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

FLEMING, FAYE M

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,795

Applicant(s)

KONDOU ET AL.

Examiner

Faye Fleming

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-4, 8, 10 and 11 in Paper No. 8 is acknowledged.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement filed December 21, 2001 and March 12, 2002 has been entered and acknowledged. The information disclosure statement filed April 12, 2002 has been entered and placed in the file however it is a duplicate of the IDS filed March 12, 2002, therefore it has been considered.

Claim Objections

4. Claim 4 is objected to because of the following informalities: the term *the* on line 23 preceding "another projection" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3616

6. Claims 1-3, 8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Aota, et al (5,954,362).

Aota, et al discloses a steering shaft comprising a first shaft 28; a second shaft 29 fitted in the first shaft and a projection 28b formed with the first shaft at a predetermined spot, wherein the projection protrudes inwardly from an inner surface of the first shaft. Aota, et al teaches a shank disposed adjacent to an end of the second shaft located in the first shaft, the shank 29b having a smaller diameter than a maximum diameter of the end of the second shaft. A pair of expansions (see figure 2) formed on the second shaft, wherein the pair of expansions develops from an outer surface of the second shaft in a direction substantially perpendicular with respect to that of the projection. The first shaft has an engaging recess on an inner peripheral surface and the second shaft comprises an engaging protrusion on an outer peripheral surface in an end portion, the second shaft is fitted in the first shaft; the shank has a smaller diameter than a maximum diameter of the end portion of the second shaft; and a depression 28b formed with the first shaft, the depression being in press contact with the engaging protrusion of the second shaft, wherein a distance between the depression and a base end of the engaging protrusion forms a predetermined impact-energy absorbing stroke. Aota, et al also teaches a first convex 28a formed on the first shaft at a first predetermined spot, wherein the first convex protrudes inwardly from an inner surface of the first shaft; a pair of expansions (see figure 2) formed on the second shaft, wherein the pair of expansions develops from an outer surface of the second shaft in a direction substantially perpendicular with respect to that of the first convex. Aota, et al teaches a second convex formed on the first shaft at a second predetermined

Art Unit: 3616

spot (the opposite side), wherein the second convex protrudes inwardly from the inner surface of the first shaft.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aota, et al (5,954,362) in view of Sadakata (4,991,871).

Aota, et al teaches the claimed invention except for a second projection. Sadakata discloses prior art (figure 2) comprising a steering column including a first shaft 12 and a second shaft 11 wherein the first shaft has projections 13, 14 protruding inwardly from the inner surface. Based on the teachings of Sadakata, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second projection to absorb energy, during a collision of a vehicle, the whole length of the a steering column.

Conclusion

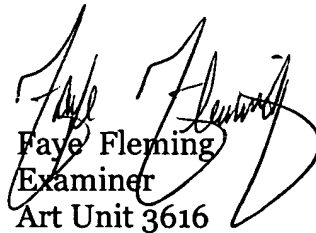
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Notice of References Cited list references disclosing some features in common with the present invention.

Art Unit: 3616

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-2571 for regular communications and (703) 308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

 06/03/02
Faye Fleming
Examiner
Art Unit 3616